

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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Writ Petition No.33343 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner was appointed as a fair price shop dealer of shop No.33 of Chapiri Village of Kalyandurg Mandal in Ananthapur District. While so, a show cause notice-cum-suspension order was issued in the month of July, 2014.

The said order was challenged in Writ Petition No.28978 of 2014 and the said order was stayed. Again the authorization of the petitioner was kept under suspension by order dated 11.02.2015 on the ground that there were some variations in the stock. The said order was challenged in Writ Petition No.6170 of 2015 and on 11.03.2015 the said writ petition was disposed of directing the third respondent-Revenue Divisional Officer, Kalyandurg to conduct an enquiry and pass final orders within a period of three months from the date of receipt of a copy of the order. After giving an opportunity to the petitioner, an order of cancellation was passed by the third respondent on 17.07.2015. Aggrieved by the said order of cancellation, the present writ petition is filed.

A perusal of the impugned order shows that two charges were framed against the petitioner and they are as under:

“Charge No.1: The F.P. shop dealer has not maintained true and correct accounts pertaining to the F.P. Shop run by her. The stock register balance with that of Sales register is not tallied. The F.P. shop dealer has contravened the Cl.22 (viii) of APSPDS Control Order, 2008.

Charge No.2: The F.P. Shop dealer was diverting the essential commodities to the black market for pecuniary benefits as it is evident during inspection that there is variation noticed in the stocks when compared book balance and ground balance. This gives scope that the F.P. shop dealer is indulging in clandestine business, and as such the F.P. Shop dealer contravened the Cl.17 (c) of APSPDS (Control) Order, 2008.”

The petitioner submitted her detailed explanation on 14.07.2015. The first charge relates to the non-tallying of stock register balance with the sales register. The second charge is based on the first charge and it states that the dealer was diverting the essential commodities to the black market.

The learned counsel for the petitioner submits that the figures mentioned in the table tallied in all respects except the figures mentioned towards sales. The petitioner possesses a copy of the sales register and the entries made therein do not tally with the sales register seized by the authorities at the time of inspection. The said fact, though, was not mentioned by the petitioner in her explanation, in view of the denial of the petitioner about the variation in quantities, the third respondent should have conducted a detailed enquiry in respect of the said allegation, as the entire case turns round the said variation in the quantities.

The learned counsel for the petitioner produced before this Court a copy of sales register with the balance shown therein. In respect of sugar and wheat, the variations were marginal and only in respect of PDS rice, the matter has to be enquired.

In the circumstances, the impugned order dated 17.07.2015 passed by the third respondent is set aside and the case is remanded to the third respondent for conducting an enquiry in the presence of the petitioner, more particularly, verifying the sales register and passing an appropriate order, within a period of 30 days from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed to the extent indicated above. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

(A.RAMALINGESWARA RAO, J)

Date: 14.10.2015

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